

U.S. DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FILED

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION**

AUG 28 2015

CHRIS R. JOHNSON, Clerk
By

Deputy Clerk

JOHN HAYNIE AND BILLIE HAYNIE

PLAINTIFFS

v.

**KERRY DALE LOCKE and
SOUTHERN FARM BUREAU CASUALTY
INSURANCE COMPANY**

DEFENDANTS

COMPLAINT

COMES NOW, the Plaintiffs, John Haynie and Billie Haynie, by and through their attorney, F. Mattison Thomas, III, and for this their complaint against Kerry Dale Locke does hereby state and allege the following:

**Count I
Against Kerry Dale Locke**

1. John Haynie and Billie Haynie are citizens and residents of Union County, Arkansas.
2. Kerry Dale Locke is a citizen and resident of Carthage, Panola County, Texas.
3. On the 29th day of September, 2012, John Haynie was operating his 1980 MGB automobile in a southerly direction on South West Avenue in the City of El Dorado, Arkansas.
4. At that same time and place Kerry Dale Locke was operating his 2012 Chevrolet Silverado pickup in a southerly direction on South West Avenue in the City of El Dorado, Arkansas. At approximately 1:55 p.m. Mr. Locke was directly behind Mr. Haynie. Mr. Haynie was stopped in a line of traffic waiting for the traffic signal to change at the corner of Hillsboro and South West Avenue.

5. At that time and place Mr. Locke drove his vehicle into the rear of Mr. Haynie's vehicle causing property damage and personal injury to Mr. Haynie.

6. Mr. Locke was negligent in the following respects:

- a. Following too close.
- b. Failure to keep a proper lookout for other vehicles.
- c. Traveling at a speed too fast for the conditions existing at that time.
- d. Failing to keep his vehicle under proper control.

7. As a direct and proximate result of the negligence of Mr. Locke, Mr. Haynie suffered the following injuries:

- a. Property damage to his 1980 MG automobile and diminution of its value after being repaired.
- b. Permanent and painful physical injuries.
- c. Loss of earnings, past and future, and loss of earning capacity.
- d. Medical expenses, past and reasonably expected to occur in the future.

8. Billie Haynie is the wife of John A. Haynie as a result of the injuries suffered by John as suffered the loss of the services, society and companionship of her husband and is entitled to recover damages for her loss of consortium.

Count II
Against Southern Farm Bureau Casualty Insurance Company

1. At the time of the collision John A. Haynie was insured by Southern Farm Bureau Insurance Company under policy number MV00549307 insuring four separate automobiles and providing underinsured motorist coverage in the amount of \$50,000 for each vehicle and thereby providing coverage to John Haynie in the total amount of

\$200,000. A copy of the declarations page for the policy is attached to this complaint. A copy of the policy was requested from Southern Farm Bureau but was not furnished.

2. It is believed that Kerry Dale Locke is an underinsured motorist as defined in the policy and judgment is demanded against Southern Farm Bureau Casualty Insurance Company in the amount that the total of John A. Haynie's damages exceeds the insurance available from Kerry Dale Locke up to the amount of \$200,000, for costs, attorneys' fees and a 12% penalty.

WHEREFORE, PREMISES CONSIDERED, the plaintiff John A. Haynie prays judgment against Kerry Dale Locke in the amount of \$500,000. Billie Haynie prays judgment against Kerry Dale Lock in the amount of \$75,000 for loss of consortium. John A. and Billie Haynie and also pray a judgment against Southern Farm Bureau Casualty Insurance Company in the amount of \$200,000, their attorneys' fees, interest, and a 12% penalty. John A. and Billie Haynie also pray a recovery against each of the defendants for all of their costs and expenses spent in the pursuit of this action.



F. MATTISON THOMAS, III
Thomas Law Firm
103 East Main, Suite D
El Dorado, Arkansas 71730
Telephone: (870) 881-8468
Facsimile: (870) 881-8416
Arkansas Bar No. 2002-007